



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 21, 2005

John Hancock Life
138 Regis St Ste A
Turlock CA 95382-1107

Re: Emergency Drought Permit No. G4-35001

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation to offset the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Roza Irrigation District is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.6 acre-feet. Roza Irrigation District is expected to deliver approximately 0.8 acre-feet of water. This authorization will allow up to 1.8 acre-feet of water per acre.

This authorization is subject to the following limitations and provisions:

This authorization is for a new well located within the S½SE¼ of Section 13, T. 11 N., R. 20 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 1000 gallons per minute.

A total of 241.92 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 134.4 acres of apple and pear orchards.

The place of use is described as follows:

PARCEL "A" - That portion of the N½SE¼ of Section 13, T. 11 N., R. 20 E.W.M., described as follows: Beginning at the SW corner of said subdivision; thence N89°54'E 486.8 feet to the true point of beginning; thence N36°39'E 199 feet; thence N21°46'E 448 feet; thence N37°56'E 372 feet; thence S79°35'E 416.8 feet; thence N56°00'E 213 feet; thence N74°50'E 185 feet; thence N85°25'E 130 feet; thence S85°24'E 102 feet; thence N72°02'E 396 feet; thence N63°30'E 338.7 feet to the east line of said subdivision; thence south along said subdivision line to the SE corner of the NE¼SE¼; thence west along subdivision line to the true point of beginning, with exception.

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PARCEL "B" – The S½SE¼ of Section 13, T. 11 N., R. 20, E.W.M., with exceptions.

PARCEL "C" – Lot 2 of Short Plat filed in Book 93 of Short Plats, Page 42, under Auditor's File No. 3001912, records of Yakima County, Washington.

PARCEL "C-1" – easement

PARCEL "D" – The SE¼NW¼ of Section 13, T. 11 N., R. 20 E.W.M., with exceptions.

PARCEL "E" – Lot "B" of that certain Short Plat filed in Book "N" of Short Plats, Page 8, under Auditor's File No. 2492191, records of Yakima County, Washington, with exception.

PARCEL "E-1" – easement.

PARCEL "E-2" – easement.

PARCEL "F" – Lot "C" of Short Plat filed in Book "N" of Short Plats, Page 8, under Auditor's File No. 2492191, records of Yakima County, Washington, with exception.

PARCEL "G" – That portion of the NW¼ of Section 19, T. 11 N., R. 21 E.W.M., described as follows: Commencing at the NW corner of said Section; thence S0°00'E along the west line thereof 1625.04 feet to the true point of beginning; thence N52°09'34"E 1200.26 feet; thence S88°51'45"E 219.54 feet; thence N5°40'40"W 205.89 feet; thence N82°50'58"E 313.30 feet; thence N55°51'39"E 197.42 feet; thence N70°45'03"E 134.02 feet; thence N49°41'43"E 148.04 feet; thence N72°53'29"E 158.20 feet; thence N88°21'49"E 205.90 feet; thence N69°05'31"E 440.63 feet to the east line of said subdivision; thence S0°27'55"E along the east line thereof 740.76 feet; thence S62°23'25"W 784.51 feet; thence S44°06'20"W 1860.91 feet to the south line of said subdivision; thence S89°07'15"W along the south line thereof 645.08 feet to the SW corner of said subdivision; thence N0°00'E 1025.97 feet to the true point of beginning; with exception.

PARCEL "G-1" – easement

PARCEL "H" – That portion of the NW¼ of Section 19, T. 11 N., R. 21 E.W.M., lying southeasterly of a line described as follows: Commencing at the SW corner of said subdivision; thence N89°07'15"E along the south line thereof 645.08 feet to the true point of beginning; thence N44°06'20"E 1860.91 feet; thence N62°23'25"E 784.51 feet to the east line of said subdivision and the terminus of the herein described line. With exceptions.

PARCEL "H-1" – easement.

PARCEL "I" – Lot 2 of Short Plat filed in Book 96 of Short Plats, Page 224, under Auditor's File No. 3162587, records of Yakima County, Washington.

PARCEL "I-1" – easement.

To develop a well in the Ellensburg Aquifer, the well must comply with the following construction requirements and restrictions:

- (a) The well must terminate at or above the first occurrence of basalt corresponding to the Pomona flow of the Saddle Mountains Formation. At the proposed well location the Pomona flow is estimated to occur at approximately 900 feet below the ground surface. In order to protect domestic wells in the area unperforated casing shall be set or placed (not driven) to a depth of at least 250 feet.
- (b) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

To develop a well in the Saddle Mountains Aquifer, the well must comply with the following construction requirements and restrictions:

- (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of Pomona Member (basalt) of the Saddle Mountain Formation, which is estimated to occur at or below a depth of approximately 900 feet.
- (b) The well casing annulus shall be sealed into the top of the Pomona with a neat cement or neat cement grout. The sealing material shall be placed in the annulus by pumping to seal the entire annulus from the bottom of the casing to the land surface.
- (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing.
- (d) The well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids Member of the Wanapum Formation, which should be encountered at a depth of approximately 1400 feet.
- (e) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

This Order may be appealed pursuant to Chapter 43.21B RCW. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

RFB:gg
050487

Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ